

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 10th day of JUNE, 1997, there was conducted a REGULAR Public Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

4:00 P. M.

PRESENT:

COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS, C.P.A.
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

HECTOR PEÑA
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:

GILBERTO HINOJOSA

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The meeting was called to order by Judge Pro-tem Carlos H. Cascos.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on June 6, 1997, at 10:50 A.M.:

(1) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 4:08 P.M. to discuss the following matters:

- a) Deliberation of the Real Property concerning the Right-of-Way acquisition of Parcels No. 1 and No. 2 for 77/83 extension and Parcels No. 6 and No. 8, East Loop; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071;
- b) Deliberation of the Real Property concerning the condemnation cases concerning Parcels No. 3 and No. 4, 77/83 extension and Parcels No. 6 and No. 7, East Loop; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) Confer with County Counsel concerning the potential litigation regarding the Adult Probation Office Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A&B); and
- d) Confer with County Counsel concerning the potential litigation regarding the Dancy Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A&B).

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 5:12 P.M.



(2) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Deliberation of the Real Property concerning the Right-of-Way acquisition of Parcels No. 1 and No. 2 for 77/83 extension and Parcels No. 6 and No. 8, East Loop.

Judge Pro-tem Cascos reported that payment to Mr. William Faulk and others, in the amount of \$11,158.00, should be authorized for the acquisition of Parcel No. 2 for 77/83 extension and that the negotiations should be continued for Parcel No. 1 and Parcels No. 6 and No. 8 of the East Loop with the governmental entities that are involved.

Commissioner Benavides moved that the payment to Mr. William Faulk and others, in the amount of \$11,158.00, be approved for the acquisition of the Real Property concerning the Right-of-Way of Parcel No. 2 for 77/83 extension and that the negotiations be continued with the governmental entities involved for Parcel No. 2 for 77/83 extension and Parcels No. 6 and No. 8, East Loop.

The motion was seconded by Commissioner Matz and carried unanimously.

- b) Deliberation of the Real Property concerning the condemnation cases concerning Parcels No. 3 and No. 4, 77/83 extension and Parcels No. 6 and No. 7, East Loop.

Judge Pro-tem Cascos reported that the condemnation for Fee Title should be authorized on said Parcels.

Upon motion by Commissioner Peña, seconded by Commissioner Benavides and carried unanimously, the condemnation for Fee Title was approved for the Real Property regarding the condemnation cases concerning Parcels No. 3 and No. 4, 77/83 extension and Parcels No. 6 and No. 7, East Loop.

The Resolutions are as follow:

- c) Confer with County Council concerning the potential litigation regarding the Adult Probation Office Project.

Judge Pro-tem Cascos reported that the Status Report by County Council should be acknowledged regarding said matter.

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Status Report by County Council was acknowledged regarding the potential litigation regarding the Adult Probation Office Project.

- d) Confer with County Council concerning the potential litigation regarding the Dancy Building.

Judge Pro-tem Cascos reported that the Status Report by County Council and the County Investigator should be acknowledged regarding said matter.

Commissioner Benavides moved that the Status Report by County Council and the County Investigator be acknowledged regarding the potential litigation regarding the Dancy Building.

The motion was seconded by Commissioner Matz and carried unanimously.

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At this time, Judge Pro-tem Cascos asked Mr. Bob Clark, Brownsville resident, for the invocation and to lead the Court and the audience in reciting the Pledge of Allegiance.

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At this time, Mr. Doug Wright, Cameron County Counsel, informed the Court that a notice had been received from the City of Port Isabel regarding an Agenda Item to be presented at the Meeting of June 10, 1997, at 6:00 P.M., regarding a Resolution to authorize the Old Marchan Marina Property to be offered for Bids. He stated that he had attempted to contact Mr. Rick Hoffman, Attorney at Law, in order to advise him that under the Tax Code it was possible for another taxing entity, after the six (6) months had lapsed from the time of the period of redemption, to make a request for the sale of the property, even though the County owned the property as a Trustee for the other taxing entities. Mr. Wright added that a request needed to be submitted, in order for the Sheriff to perform an auction or a public sale of the Property and noted that the wording was not appropriately placed on the Agenda to take such action. He stated that the issue had been discussed numerous times in the Commissioners-Court Executive Session and that the Court had presented several offers and the offers were deferred due to the request made to place a civic center or governmental building on said Property. He noted that the Resolution that had been prepared by the City of Port Isabel indicated that the County also wanted the property sold in such manner.

**(4) APPROVAL OF BUDGET AMENDMENTS
AND/OR SALARY SCHEDULES**

At this time, Judge Pro-tem Cascos recommended that the Item in the Budget Amendment, in the amount of \$300,000.00, should be eliminated.

Mr. Mark Yates, County Auditor, explained that the Item did not indicate an appropriation of funds and recommended that the Item remain in the Budget Amendment for housekeeping purposes to allow Budgetary authority. He briefly highlighted the Salary Schedules regarding the increase in salaries and added that the Health Department Salary Schedules were Grants, which were fully funded.

Commissioner Matz moved that the Fiscal Year 1997 Budget Amendment No. 97-18 and the following Salary Schedules be approved:

Maintenance and Operation Courthouse - Fund No. 10-514;

Gateway International Bridge - Fund No. 80-610;

ORAS - Fund No. 24-639;

MCH - Fund No. 27-629; and

MCH - Program Income - Fund No. 27-643.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Budget Amendment and Salary Schedules are as follow:

(6) APPROVAL OF THE INTERGOVERNMENTAL AGREEMENT (CONTRACT) FOR THE CONSTRUCTION OF AN INTERNATIONAL BRIDGE OVER THE RIO GRANDE (RIO BRAVO) WHICH WILL LINK THE CITIES OF MATAMOROS TAMAULIPAS, UNITED MEXICAN STATES AND BROWNSVILLE, TEXAS, UNITED STATES OF AMERICA, ENTERED INTO BY CAMERON COUNTY, THE CITY OF BROWNSVILLE AND THE SECRETARIA DE COMUNICACIONES Y TRANSPORTES, A MINISTRY OF THE REPUBLIC OF MEXICO

Commissioner Benavides moved that the Intergovernmental Agreement (Contract) be approved for the construction of an International Bridge over the Rio Grande (Rio Bravo), which will link the Cities of Matamoros Tamaulipas, United Mexican States and Brownsville, Texas, United States of America, entered into by Cameron County, the City of Brownsville and the Secretaria de Comunicaciones y Transportes, a Ministry of the Republic of Mexico, subject to Legal review and that the County Judge be authorized to execute the Agreement.

The motion was seconded by Commissioner Matz and carried unanimously.

The Agreement is as follows:

(5) **IN THE MATTER OF THE DISCUSSION OF THE ENFORCEMENT OF THE BUILDING REGULATIONS AND STANDARDS IN THE COLONIAS (NO ACTION TAKEN)**

At this time, Mr. Manuel Hernandez, Cameron County resident, explained that the Colonias were continuing to grow and stated that governmental workers could not prevent the growth. He stated that individuals were moving into the Del Mar Heights area regardless of the signs posted prohibiting the placement or building of additional homes and added that the size and the number of building structures in the Colonias were unknown by the Building Inspectors due to the growth and the lack of manpower.®

Mr. Hernandez stated that the Justices of the Peace were not citing and enforcing the individuals and added that the County Commissioners were continuously trying to improve the quality of life for the residents in the Colonias, noting that the growth out numbered the funding for the improvements. He suggested that the governmental officials should address the issue of the growing Colonias, in order to prevent future health problems.®

Judge Pro-tem Cascos confirmed that the County had been aggressively implementing the subdivision regulations and reported that Legislation had passed allowing residents to hook up to nearby utilities, which would create a problem if the residents were hooking up to the utilities without consideration of the quality of the construction. He stated that the structures were being built on weekends and in the evenings when County Officials were not on duty and added that the residents could not hook up to the water and wastewater system if the minimum building codes were not met. He noted that the Cameron Park Subdivision had gone unattended for many years and was gradually improving, noting that ten (10) million dollars had been invested in the last five (5) years for the subdivision. He stated that Cameron Park was an example that the County has taken positive and aggressive roles in trying to curtail the problems.

At this time, Mr. Javier Mendez, Engineering Department, noted that in January 30, 1996, the Court had given direction to pursue the filing of citations with the District Attorney's Office, but stated the process of the citations would cease once the process reached the Justices of the Peace. He explained that the individuals were unable to pay the fines and would spend time in jail, but once the individuals were released, the process of building the structures would continue and the structures were still standing.

Judge Pro-tem Cascos recommended that the violations should be submitted to the District Attorney's Office as they occurred and that the Justices of the Peace should be encouraged to enforce said laws. He stated that the District Attorney's Office had added two (2) additional Civil Attorneys, which would increase the manpower and could pursue and enforce the matter more aggressively.

Commissioner Benavides suggested that the Building Department be reorganized and budgeted for the following year, in order to increase the manpower to address said issues.

At this time, there was some discussion regarding the Colonias in Precinct No. 3 which were in very bad conditions and were in low flooding areas, but had technically met the Subdivision requirements regarding drainage.

Commissioner Matz expressed his gratitude to Mr. Hernandez for bringing the matter to the attention of the Court, which was a concern to everyone and added that a Building Inspector had been added in the previous budget cycle to try and address the problem. He stated that the County contained a large number of square miles in the unincorporated areas, in which the structures were being built or placed on the weekends and in the evenings. Commissioner Matz stated that the Del Mar Heights Subdivision should have never been developed, due to its flood plain soil conditions, which prevented the septic tank permits from being obtained and added that signs had been placed at the entrance of the Subdivision as authorized by the Court to prohibit the construction or placement of building structures, due to the permits not being able to be obtained. He stated that the Court needed to direct the Justices of the Peace to enforce said laws and recommended that the Court should send out another major policy message to the residents of the County explaining the reasons for the subdivision regulations and the health issues that result from rain and floods.

Commissioner Peña suggested that additional responsibilities be given to the Constables to enforce the issues.

Commissioner Benavides stated that drastic changes would have to be made due to the growing problem and suggested that satellite stations be implemented for the Permit Departments.

Mr. Doug Wright, Cameron County Counsel, stated that the Legislation had passed a bill which directly affected the County and District Attorney's Office by placing more responsibility on the County regarding the enforcement of the Colonia or Subdivision Violations.



There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED**.



APPROVED this 1st day of July, 1997.

**GILBERTO HINOJOSA
COUNTY JUDGE**

ATTEST:

**JOE G. RIVERA,
COUNTY CLERK AND EX-OFFICIO CLERK
OF THE COMMISSIONERS' COURT OF
CAMERON COUNTY, TEXAS**